

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

JOHN GOODEN,

Plaintiff,

vs.

OMNI AIR TRANSPORT L.L.C., and
OMNI AIR INTERNATIONAL, INC.,

Defendants.

Case No. 06-CV-618-GKF-FHM

OPINION AND ORDER

Plaintiff's Motion to Compel [Dkt. 34] is before the undersigned United States Magistrate Judge for decision. Plaintiff's Motion is GRANTED in PART and DENIED in PART.

The chronology of this dispute shows that Plaintiff has not been diligent in pursuing the discovery at issue in his motion. As a result of Plaintiff's inaction, the Court would be within its discretion to deny Plaintiff's motion as untimely without consideration of the merits of Plaintiff's discovery requests. However, the Court has reviewed the discovery requests at issue and has determined that a small segment of those requests seek information that is so basic to this case that it is reasonable for the Court to ensure that Plaintiff has access to those documents. Because it is not clear from the papers whether Plaintiff has actually been provided this basic information, the Court enters the following Order.

Therefore, the Plaintiff's Motion to Compel Discovery [Dkt. 34] is GRANTED in PART and DENIED in PART, as follows. Defendants are to produce the following documents to Plaintiff by November 28, 2008, unless those documents have already been provided to Plaintiff:

- 1) Plaintiff's personnel file with both Defendants;

2) All documents from both Defendants concerning the decision to terminate Plaintiff's employment with either Defendant;

3) All documents reflecting the identity of the persons involved in the decision to terminate Plaintiff's employment with either Defendant.

SO ORDERED this 21st day of November, 2008.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE